

Attorney's Docket No.: 01948-051003
(formerly 13985-004003)

OFFICIAL COMMUNICATION**FACSIMILE****FOR THE PERSONAL ATTENTION OF:****KAREN CREASY****FAX RECEIVED****MAY 20 2003****PETITIONS OFFICE**

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Number of pages including this page 6

Applicant : Terry B. Strom *et al.*
Serial No. : 09/804,717
Filed : March 12, 2001

Art Unit : 2953
Examiner : Anne Marie Sabrina Wehbe

Title : METHOD AND COMPOUNDS FOR PREVENTION OF GRAFT REJECTION

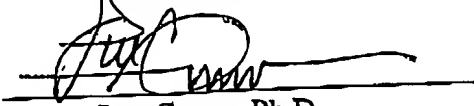
Office of Petitions
Commissioner for Patents
Washington, D.C. 20231

Dear Ms. Creasy:

Attached to this facsimile communication cover sheet is a Renewed Petition For Unintentionally Delayed Domestic Priority Claim (3 pages) and a Supplemental Amendment (2 pages), faxed this 20th day of May, 2003, to the Office of Petitions, Office of the Deputy Commissioner for Patent Examination Policy.

Date: May 20, 2003

Respectfully submitted,


Lee Crews, Ph.D.
Reg. No. 43,567

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**RENEWED PETITION FOR UNINTENTIONALLY
DELAYED DOMESTIC PRIORITY CLAIM**

In response to the Decision on Petition mailed March 20, 2003 (Applicants' Petition filed March 11, 2003, having been denied), Applicants submit a renewed petition under 37 CFR § 1.78(a)(3), together with a supplemental amendment to place the priority claim in the manner specified in 37 CFR § 1.78(a)(2)(iii). Both the renewed petition and the supplemental amendment were suggested by the Petitions Examiner in the Decision of March 20, 2003. Applicants' representative appreciates the Examiner's suggestions.

As shown in the supplemental amendment, the amended priority claim no longer contains an "incorporation by reference" statement. Therefore, nothing in the amendment could introduce new matter to the present application. Reconsideration of the Petition is respectfully requested in view of the supplemental amendment and the following remarks, which are repeated from Applicants' initial petition.

Pursuant to 37 CFR § 1.78(a)(3), Applicants hereby petition that their claim for domestic priority, as specified below, be granted. The entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 CFR § 1.78 and the date the claim was filed was unintentional.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission May 20, 2003
Signature Mary Elizabeth Jacoby
Typed or Printed Name of Person Signing Certificate Mary Elizabeth Jacoby

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The present application is related to several previously filed applications, and the priority claim should be as follows:

This application is a continuation (and claims the benefit of priority under 35 USC § 120) of U.S. Application Serial No. 09/304,755, filed May 4, 1999 (now abandoned), which is a continuation of U.S. Application Serial No. 08/273,402, filed July 11, 1994 (now issued as U.S. Patent No. 5,958,403), which is a continuation-in-part of U.S. Application Serial No. 08/024,569, filed March 1, 1993 (now abandoned), which is a continuation-in-part of U.S. Application Serial No. 07/843,731, filed February 28, 1992 (now abandoned).

When Applicants' representatives filed the present application, they failed to notice that their priority data did not include the present application's immediate parent (U.S.S.N. 09/304,755; herein, "the parent"). Applicants did, however, recite all of the other previously filed applications (see the copy of the transmittal letter that accompanied the present application for filing; a copy was attached to Applicants' initial petition). If Applicants had not intended to claim priority to the earlier filed applications (and had, instead, wished the present application to benefit only from its own filing date), none of the prior applications would have been referenced. Applicants' representatives understand the requirements for co-pendency and, except for the error in stating their priority claim, met those requirements. More specifically, Applicants filed, in the parent application, a Petition for extension of time, making the parent application complete and pending as of the date the present application was filed. As noted on the transmittal letter for the present application, Applicants submitted a copy of the Petition for extension of time in the parent case to make it more evident that their intended claim of priority was proper (see the first enclosure listed on the top of page 2). If Applicants had not wished the present application to claim the benefit of the prior application, they would not have paid the fee required to maintain the pendency of the prior application. Nor would they have taken care to file the present application before the parent application expired. The statutory period for responding to an outstanding Office Action in the parent application ended on March 12, 2001 (March 11, 2001, being a Sunday), and the present application was filed on March 12, 2001.

Applicants were not aware of the error until the Examiner in the present application called it to their attention.

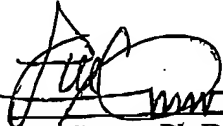
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In view of the foregoing, Applicants respectfully request reconsideration and acceptance of their petition. If there are any charges, or any credits, please apply them to Deposit Account No. 06-1050, referencing Attorney Docket No. 01948-051003 (formerly 13985-004003).

Respectfully submitted,

Date: May 20, 2003



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